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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,065	02/25/2002	Alan R. Smith	SVL920020001US1	8921

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
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SAN JOSE, CA 95141

EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,065

Applicant(s)

SMITH ET AL.

Examiner

The Thanh Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 2,8,12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/25/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the application filed 2/25/2002.
2. Claims 1-14 have been examined and are pending in the application.

Allowable Subject Matter

3. Claims 2, 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly understood:

(i) As to claims 1-14, applicant is required to clearly specify all the abbreviations of IMS, DLI/DBB, PCB, and IOPCB.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-7, 9-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Arts (APA) in view of Huxoll U.S Patent No. 6,606,685.

As to claim 1, APA teaches a method for performing on a computer system the execution of an IMS batch application (IMS application, line 3 page 2) originally coded to execute as a DLI/DBB batch application (referred to as DLI/DBB application,, lines 6-7 p[age 2]), wherein said IMS batch application executes as either said DLI/DBB batch application or as a Batch Message Processing batch application (DLI/DBB needs to be converted to BMP executing under the control of IMS, lines 8-10 page 2). APA does not intercepting the transfer of control to the application.

Huxoll teaches a system of intercepting a file write action from a client application (a file write request from the user application, lines 39-40 column 6) comprising intercepting a transfer of control to the application (intercept initialization processing, lines 38-39 column 6), wherein said transfer of control includes a list of pointers (vnode operation pointers, line 50 column 6); determining if said the application is invoked as a registered application (files registered with the intercept component, lines 66-67 column 6), forming a modified list of pointers from said list of pointers (modifying a write pointer within the original information related to each file identifier, lines 21-22 column 7); and passing either said modified list of pointers if said application is invoked as registered

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application (using the modified write pointer to gain program control and thus allow the intercept software component technology to store the intercepted write data in a cache, lines 22-25 column 7) or passing list of pointers if the application is invoked as another application (the intercepted writes to registered files may be allowed to complete normal processing after the intercepted writes are stored in the cache, lines 37-40 column 7). It would have been obvious to apply the teachings of Huxoll to the system of APA because this allows the pointers to be maintained, therefore reorganizations may be completed in less time as disclosed by Huxoll (lines 44-47 column 1).

As to claim 3, Huxoll further teaches removing a pointer (write pointer, lines 45-61 column 6).

As to claim 4, Huxoll further teaches passing modified pointers utilizing a register (files registered with the intercept component, lines 66-67 column 6).

As to claim 5, Huxoll further teaches linking a front-end routine together with said application wherein said front-end routine receives control prior to invoking said application (...prior to registering the one or more files, initialization processing may occur. Initialization may include clearing or re-setting various values and/or parameters. In the case where the file system writes to be intercepted are writes to a database; initialization may include synchronizing or quiescing the database..., lines 8-13 column 7).

As to claim 6, APA teaches a method for executing a DLI/DBB batch application as a Batch Message Processing batch application on a computer system (DLI/DBB

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needs to be converted to BMP executing under the control of IMS, lines 8-10 page 2).

APA does not teach linking a front-end routine with an application.

Huxoll teaches a system of intercepting a file write action from a client application (a file write request from the user application, lines 39-40 column 6) comprising linking a normalizing front-end routine (vnode operation pointers, line 50 column 6) with the application to form a load module (using the modified write pointer to gain program control and thus allow the intercept software component technology to store the intercepted write data in a cache, lines 22-25 column 7); identifying said load module on an EXEC statement (finding file identifiers associated with the files, lines 17-19 column 7); and submitting a job comprising said EXEC statement for execution, wherein the application receives control from said normalizing front-end routine and executes as a registered application (using the modified write pointer to gain program control and thus allow the intercept software component technology to store the intercepted write data in a cache, lines 22-25 column 7). It would have been obvious to apply the teachings of Huxoll to the system of APA because this allows the pointers to be maintained, therefore reorganizations may be completed in less time as disclosed by Huxoll (lines 44-47 column 1).

As to claims 7 and 9-10, they are system claims of claims 1 and 3-4, respectively. Therefore, they are rejected for the same reasons as claims 1 and 3-4 above.

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As to claims 11 and 13-14, they are computer program product claims of claims 1 and 3-4, respectively. Therefore, they are rejected for the same reasons as claims 1 and 3-4 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762


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TTH

January 18, 2005


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SUPERVISORY PATENT EXAMINER
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